

m/049/030



# Interstate<sup>®</sup> Brick

a division of PABCO Building Products, LLC

9780 South 5200 West  
West Jordan, Utah 84088-5625  
(801) 280-5230  
(800) 233-8654  
Fax (801) 282-5245

September 28, 2005

Lynn Kunzler  
Environmental Scientist / Sr. Reclamation Specialist  
Department of Natural Division of Oil Gas and Mining  
1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, UT 84114-5801

RECEIVED

SEP 29 2005

DIV OF OIL GAS & MINING

Re: item 3 of Cessation Order no. MC-05-01-13(1)

Dear Mr. Kunzler:

Please see the attached map on page 3 of this letter that shows the property ownership of the land. As we have discussed, there are three regions of disturbed area associated with the mine. They will be referred to as North, Middle, and South areas.

The north area is on State of Utah Trust Land Association land that is leased by Interstate Brick. The lease number is ML46846.

The middle area is on both Interstate Brick's lease ML46846, outlined in blue, and on Interpace Brick property, outlined in Orange). Most of the eastern part of the middle area that is on Interpace's property is the roadway. This road has been in existence and used by Interstate Brick at going back at least since 1965 based on an aerial photo. No mining has occurred in the eastern part of the middle area. The middle area in general is roadway and has been used as a clay stockpile area.

The south part of the southern region is on Interstate Brick fee land and the north part of the south area is on Interpace Brick fee land which, was recently purchased by them in 2005 from Mr. Nyle Fox. The boundary between Interstate Brick and Interpace Brick is the Section 20 / Section 29 line.

For many years Interstate Brick's and Interpace Brick's fee lands together made up the Fox Clay company, of which Interstate Brick owned 70%, and the Fox family owned 30%. In the mid 1990s, previously surveyed lots of the Fox clay company were divided up with Interstate Brick owning all of the portions on the map outlined in green and the Fox family owning all portions outlined in orange. Very shortly after this division, the mining occurred that makes up the bulk of the impact to the area that overlays both properties. This mining was responsible for most of the disturbed area, except the extreme eastern portion, which I believe was mined long before Interstate separated from the Fox Clay company. Shortly after I, John Hewitt, became involved in

**PABCO BUILDING PRODUCTS, LLC. BRICK DIVISION**

Page 1 of 3

H.C. MUDDOX: 4875 Bradshaw Road, Sacramento, CA 95827-9727

INTERSTATE BRICK: 9780 South 5200 West, West Jordan, Utah 84088-5625

Interstate Brick's mining, we were contacted by Mr. Fox who sought a settlement for clay taken off his property and reclamation. After a long period of negotiation, fact establishment, etc., Interstate and Mr. Fox had come to a verbal agreement for the clay and reclamation that occurred on the Fox property in the 1990's. This agreement was reached, to the best of my knowledge, between Interstate Brick and the Fox family, who were represented by Mr. Fox. Then, Interstate was informed, by phone by Interpace Brick (I believe), that they had purchased the property belonging to the Fox family. I, John Hewitt, the day I heard that, phoned Mr. Handcock, Mining and Transportation Manager of Interpace, and my main contact at Interpace, to acknowledge and confirm that Interpace had bought the property. When I briefly explained the negotiations and verbal understanding between Interstate and Mr. Fox, he told me that Interpace wanted Interstate to "hold off" and not do anything, until I presumed, a later date, after which Interpace would have had time to assess their newly acquired property and decide what course of action they would want to take with it. I presumed they did not necessarily want us to cover up exposed clay that could be mined. This was also one of Mr. Fox's wishes that we not do that in our reclamation. We at the time agreed to meet at the property and review property boundaries, etc. The next I heard about this was when this Cessation Order was received. After receiving the Cessation Order I phoned Mr. Handcock a second time to discuss the matter and we have agreed to meet at the site in the near future. Mr. Handcock informed me that Interpace would like the same reclamation to occur as was described to him by me and agreed upon between Interstate and Mr. Fox. This consists of knocking down a tall pile of overburden and moving some overburden that was spread out over the area back over onto the Interstate Brick side. So, as I understand it, at this time. Interstate Brick and Interpace Brick are working in cooperation on the reclamation of the portion of the south area that has been disturbed, the portion of the south area north of the Section 29 / Section 20 line, that now is owned by Interpace Brick Company.

Sincerely,



John Hewitt



